

MINUTES
YORK COUNTY PLANNING COMMISSION
Regular Meeting
York Hall, 301 Main Street
August 10, 2005

MEMBERS
Christopher A. Abel
Nicholas F. Barba
Anne C. H. Conner
John R. Davis
Alexander T. Hamilton
Alfred E. Ptasznik, Jr.
John W. Staton

CALL TO ORDER

Chair Alfred Ptasznik called the meeting to order at 7:00 PM.

ROLL CALL

The roll was called and all members were present except Messrs. Barba and Hamilton. Staff members present were J. Mark Carter, Timothy C. Cross, Amy Parker, Earl Anderson, and James E. Barnett, Jr., County Attorney.

REMARKS

Chair Ptasznik stated that the Code of Virginia requires local governments to have a Planning Commission, the purpose of which is to advise the Board of Supervisors on land use and planning issues affecting the County. The responsibility is exercised through recommendations conveyed by resolutions or other official means and all are matters of public record. He indicated that the Commission is comprised of citizen volunteers, appointed by the Board, representing each voting district and two at-large members.

APPROVAL OF MINUTES

Ms. Conner moved adoption of the minutes of the regular meeting of July 13, 2005. They were adopted unanimously by roll call vote.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS

Application No. UP-675-05, Robert T. Criner: Request for a Special Use Permit, pursuant to Section 24.1-407 of the York County Zoning Ordinance, to authorize a 400-square foot accessory apartment on the first floor of an existing detached garage on a 5.07-acre parcel located at 300 Criner Lane (Private Road) off Elliot Road (Route 691), approximately 1,200 feet south of its intersection with Victory Boulevard (Route 171) and further identified as Assessor's Parcel No. 38-80E. The property is zoned RR (Rural Residential) and is designated Medium Density Residential in the Comprehensive Plan.

Mr. Earl Anderson, Planner, presented a summary of the staff report to the Commission dated July 21, 2005, in which the staff recommended approval.

There were no questions or comments from the Commission, and **Chair Ptasznik** opened the public hearing.

Mr. Robert Criner, 300 Criner Lane, spoke in behalf of his application and requested to increase the maximum square footage of the accessory apartment from 400 to 800, as long as that would be permitted within the Zoning Ordinance.

There were no others to speak to this application or any discussion by the Commission. **Chair Ptasznik** closed the public hearing. He commented that 800 square feet would comprise no more than 18 percent of the habitable floor area, well within the limits imposed by the Zoning Ordinance.

Ms. Conner moved adoption of proposed Resolution PC05-32(R), increasing the square footage as requested by the applicant.

Resolution No. PC05-32(R)

On motion of Ms. Conner, which carried 5:0 (Messrs. Barba and Hamilton absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 300 CRINER
LANE

WHEREAS, Robert T. Criner has submitted Application No. UP-675-05 to request a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on 5.07 acres of land located at 300 Criner Lane (Private Road) and further identified as Assessor's Parcel No. 38-80E (GPIN #V03B-3924-4711); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 10th day of August, 2005, that Application No. UP-675-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to allow a detached accessory apartment in conjunction with a single-family detached dwelling to be contained within an existing two-story garage on 5.07 acres of land located at 300 Criner Lane (Private Road) and further identified as Assessor's Parcel No. 38-80E (GPIN #V03B-3924-4711) subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be contained on the first floor of an existing two-story detached garage on 5.07 acres of land located at 300 Criner Lane (Private Road) and further identified as Assessor's Parcel No. 38-80E (GPIN #V03B-3924-4711).
2. The apartment shall be contained within the existing structure located on the northwestern side of the subject property as indicated on the survey submitted by the applicant titled "Plat of the Property of: Robert T. & Agnes L. Criner, Parcel of Land Containing 5.0673 Acres, Bethel District, County of York, Virginia," prepared by Keller, Lewis and Associates, P.C. and received by the Planning Division on June 30, 2005. Building plans in substantial conformance with the floor plans submitted by the applicant and received by the Planning Division on June 30, 2005 shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the issuance of a building permit for the accessory apartment.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. Habitable floor area of the accessory apartment unit shall not contain in excess of ~~400~~800 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
8. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a

deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.

9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the Resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.

Application No. UP-676-05, Mid-Atlantic Tower Development, LLC: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 17, No. 7) of the York County Zoning Ordinance, to authorize a 198-foot self-supporting communications tower with associated ground-mounted equipment within a leased area located on a portion of the property of Seaford Baptist Church, located at 1311 Seaford Road and further identified as Assessor's Parcel No. 25-311. The property is located on the north side of Seaford Road (Route 622), approximately one mile east of its intersection with Goodwin Neck Road (Route 173). The property is zoned RR (Rural Residential) and is designated Low Density Residential in the Comprehensive Plan.

Mr. Earl Anderson, Planner, summarized the staff report to the Commission dated August 1, 2005. He explained that a Special Use Permit had been approved in 2002 for the site in question, but the applicant for that application took no further action to implement the use within the two years allowed by the Zoning Ordinance. Therefore, the use permit expired. The current applicant is a different entity and the tower access is in a different portion of the parcel, with no access from Walkin Lane. The terms of the proposed use are identical to those approved in 2002, according to **Mr. Anderson**, who noted the staff recommendation of approval.

Mr. Davis inquired about proximity of the proposed tower to the designated Resource Protection Area (RPA). **Mr. Anderson** responded that the proposed leased area is near the RPA and the tower would be on a portion of the leased area farthest from the RPA.

Mr. Abel asked if the Seaford Baptist Church had a steeple. **Mr. Anderson** replied it does not. **Mr. Abel** wondered about the appropriateness of stealth towers, then asked if staff had recommended a tower of lesser height, assuming it would meet the applicant's needs. **Mr. Anderson** said that other towers and lower towers are always considered first, before a new tower is proposed. However, when new towers are built, height is important to be able to accommodate more users.

Chair Ptasznik opened the public hearing.

Susanna Hickman, Esquire, Geddy, Harris, Franck & Hickman, LLP, 1177 Jamestown Road, represented the applicant. **Ms. Hickman** pointed out the current application would situate the tower totally on church property. The only difference in this application from the one approved in

2002 is the access. She introduced Mr. Van Thompson of Mid-Atlantic Tower Development, LLC, and recognized others who were available to answer questions including a representative of Verizon, the project engineer, and a trustee from Seaford Baptist Church.

Mr. Van Thompson, Mid-Atlantic Tower Development, LLC, referred to photographs depicting Seaford Baptist Church, since its renovation, as being larger, taller, and closer to the front of the property than in the former application. **Mr. Thompson** addressed the possibility of co-locating onto an existing tower, but said each 10 feet the tower was lowered would effectively eliminate a potential carrier while diminishing the applicant's ability to adequately expand its service area. There are two prospective co-locators interested in going on the system right away and one more in the future, he said.

Mr. Abel inquired about the possible use of a monopole or tree-appearing tower or placing the tower into an existing structure such as a church steeple – which he acknowledged was not an option in this case. **Mr. Thompson** said Mid-Atlantic Tower Development is building a tall “tree monopole” tower in Fairfax County but, in his opinion, that type of tower, tall enough to serve the focus area in the County, would be very obvious within its surroundings.

There were no others who wished to speak, and the Chair closed the public hearing.

Mr. Staton remarked that no reliable communications tower exists in the subject area. **Mr. Ptasznik** agreed.

Mr. Staton moved to adopt proposed Resolution PC05-33.

Resolution No. PC05-33

On motion of Mr. Staton, which carried 5:0 (Barba and Hamilton absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE A 198-FOOT SELF-SUPPORTING COMMUNICATIONS TOWER WITH ASSOCIATED GROUND-MOUNTED EQUIPMENT WITHIN A LEASED AREA LOCATED ON A PORTION OF THE PROPERTY OF SEAFORD BAPTIST CHURCH, LOCATED AT 1311 SEAFORD ROAD

WHEREAS, Mid-Atlantic Tower Development, LLC has submitted Application No. UP-676-05, which requests a special use permit pursuant to Section 24.1-306 (Category 17, No. 7) of the York County Zoning Ordinance, to authorize construction of a 198-foot freestanding communications tower with associated equipment on a portion of the parcel located at 1311 Seaford Road (Route 622) and further identified as Assessor's Parcel No. 25-311 (GPIN T08A-2488-3337); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 10th day of August, 2005 that Application No. UP-676-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize construction of a 198-foot freestanding communications tower with associated equipment on a portion of the parcel located at 1311 Seaford Road (Route 622) and further identified as Assessor's Parcel No. 25-311 (GPIN T08A-2488-3337), subject to the following conditions:

1. This use permit shall authorize the construction of a freestanding communications tower with associated equipment on a portion of the 16.07-acre parcel of land located at 1311 Seaford Road (Route 622) and further identified as Assessor's Parcel No. 25-311 (GPIN T08A-2488-3337).
2. The height of the tower shall not exceed 198 feet.
3. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to commencement of land clearing or any construction activity on the subject property. Except as modified herein, said plan shall be substantially in conformance with the sketch plan submitted by the applicant titled "Mid-Atlantic Tower Development, LLC; Telecommunications Facility; Seaford; 1311 Seaford Road, Seaford, Virginia;" Sheets 1 – 3; dated 05/31/05, prepared by Johnson, Merriman & Thompson Engineering, received by the Planning Division June 30, 2005. As part of the site plan submittal, the applicant shall prepare a frequency intermodulation study to determine the impact on current communication transmissions for the York County Departments of Fire and Life Safety and General Services, Sheriff's Office, School Division, and the Intrac Sewer Telemetry System. Should any equipment associated with this facility at any time during the operation of the tower be found by the County to cause interference with County communications, the applicant shall be responsible for the elimination of said interference within twenty-four (24) hours of receipt of notice from the County.
4. Construction and operation of the tower shall be in conformance with the performance standards set forth in Sections 24.1-493 and 24.1-494 of the Zoning Ordinance.
5. The applicant shall submit to the County a statement from a registered engineer certifying that NIER (nonionizing electromagnetic radiation) emitted from the tower does not result in a ground level exposure at any point outside such facility that exceeds the maximum applicable exposure standards established by any regulatory agency of the U.S. Government or the American National Standards Institute.

6. A report from a registered structural or civil engineer shall be submitted indicating tower height and design, structure installation, and total anticipated capacity of the structure (including number and types of users that the structure can accommodate). These data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirement of EIA-222E, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."
7. Alternative access to the site via Walkin Lane may be permitted provided that prior to site plan approval and satisfactory to the Zoning Administrator and County Attorney, documentation is submitted to the County verifying lawful authority of the property owner and the applicant as their lessee to use the Walkin Road right-of-way for purposes of ingress, egress, and installation and maintenance of utilities associated with the proposed telecommunications facility.
8. Advertising and signage on the tower shall be expressly prohibited, except for warning signs associated with the operation of the tower or its equipment.
9. Prior to site plan approval, the applicant shall submit written statements from the Federal Aviation Administration, Federal Communications Commission, and any other review authority with jurisdiction over the tower, stating that the proposed tower complies with regulations administered by that agency or that the tower is exempt from those regulations.
10. Evergreen planting material shall be installed for screening as deemed necessary by the Zoning Administrator pursuant to Section 24.1-240 et. Seq.
11. If at any time use of the communications tower ceases, the owner of the subject property on which the tower is located shall dismantle and remove it within six (6) months after ceasing to use it, unless:
 - (1) A binding lease agreement or letter of intent with another wireless communications provider has been executed in which case an additional six (6) months shall be granted. If a letter of intent is provided, the execution date for a binding lease agreement shall not extend more than (12) months beyond the time the use of the tower ceases, or
 - (2) The County requests, in writing, that the tower be reserved for County use.
12. Accessory facilities shall not include offices, vehicle storage, or outdoor storage unless permitted by the district regulations.
13. Evidence shall be provided prior to receipt of a building permit that the Virginia State Corporation Commission has been notified that a communication facility is to be constructed.

14. The equipment building and associated equipment shall be completely enclosed by a security fence to the satisfaction of the County. To facilitate screening of the facility, green netting of a type and materials acceptable to the Zoning Administrator shall be installed on the fence surrounding the facility.
15. The communication tower shall be gray in color. Should Federal Aviation Administration requirements dictate special markings, tower lighting shall be used in lieu of multi-color painting. If painting is required, a tower maintenance plan shall be submitted to and approved by the County.
16. No microwave dishes, conical shaped antennae, or other dish shall be permitted on the tower.
17. The communications tower shall be structurally designed to accommodate no fewer than three (3) wireless users capable of supporting either PCS or cellular antenna arrays. If space is available, the County shall have the right of first refusal for leasing a space on the tower to place an antenna in support of operations consistent with the County's Department of Fire and Life Safety.

Application No. UP-677-02, 7-Eleven, Inc.: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 2) of the York County Zoning Ordinance, to authorize the establishment of a 2,807-square foot convenience store with gasoline pumps on two parcels located at 3790 Big Bethel Road (Route 600) and 2117 Hampton Highway (Route 134) and further identified as Assessor's Parcel Nos. 37-90 (Big Bethel Road) and 37-81 (Hampton Highway). The property, located on the northwest corner of the intersection of Hampton Highway and Big Bethel Road, is zoned GB (General Business) and is designated General Business in the Comprehensive Plan.

Amy Parker, Senior Planner, reported that the applicant has requested a deferral on this application to allow more time to meet with the neighbors and potentially amend the site plan. They have not specified the date they would request it to come back to the Commission for public hearing.

Mr. Ptasznik believed it prudent to remove the application from the agenda until such time as the applicant reapplies to bring it before the Commission and invited a motion to that effect. **Mr. Davis** moved to "remove Application No. UP-677-02 from tonight's agenda which will be advertised for a meeting at an unspecified future date." The motion carried unanimously (Messrs. Barba and Hamilton absent.) **Ms. Parker** noted that all adjacent property owners would be notified in writing of the public hearing, as they were for this meeting. **Chair Ptasznik** closed the public hearing.

Application No. UP-678-02, Robert Brown Associates: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 14) of the York County Zoning Ordinance, to authorize the establishment of a 4,237-square foot fast food restaurant located at 6720 Mooretown Road (Route 603) and further identified as a portion of

Assessor's Parcel No. 2-9-B2. The property, located on the east side of Mooretown Road approximately 600 feet south of its intersection with East Rochambeau Drive (Route F137), is zoned EO (Economic Opportunity) and is designated Economic Opportunity in the Comprehensive Plan.

Amy Parker, Senior Planner, summarized the staff report to the Commission dated August 2, 2005, in which the staff recommended approval. She added that both the City of Williamsburg and James City County were apprised of the pending application and neither had commented on it to staff.

Mr. Abel asked if the establishment would be the same size as existing Chick-fil-A's, such as the one on Victory Boulevard in front of Super Kmart. **Ms. Parker** suggested that be addressed by the applicant's representative.

Mr. Ptasznik inquired if the monument sign for the proposed business would be located directly in front of the building, and **Ms. Parker** said that it would. **Mr. Ptasznik** asked if more signs could be expected if the outparcels are eventually developed, and **Ms. Parker** said up to three more monument signs are possible for the outparcels.

Mr. Staton asked if any more landscaping would be added to the greenbelt. **Ms. Parker** pointed out some previous clearing was done by Home Depot. A condition of approval is that the 45-foot buffer remain undisturbed in accordance with the intent of the Zoning Ordinance, and she added that any trees removed were to be replaced.

Chair Ptasznik opened the public hearing.

Mr. Keith Simpson, Fuller Engineering, Arlington, VA, spoke in behalf of the applicant. He addressed **Mr. Abel's** inquiry about the size of the proposed structure by noting it would be the smallest prototype that Chick-fil-A currently builds, therefore probably smaller than the one on Victory Boulevard.

Mr. Simpson requested elimination of proposed Condition No. 8 regarding alignment of the existing traffic aisle in the Home Depot parking lot with the proposed Chick-fil-A access aisle at the east end of the subject property. He indicated that redesign of the access would pose difficulties in meeting Ordinance parking requirements. **Mr. Ptasznik** commented that it should be considered during site plan approval, and **Ms. Parker** added that the condition was recommended by Department of Environmental and Development Services staff, and she could not recommend eliminating Condition No. 8. She added that the traffic patterns at the adjacent entrance to the Home Depot parking lot and joint access aisle are currently confusing, and EDS and Planning Division staff felt strongly that the applicant could revise their plan to provide a safer traffic circulation design. One of the recommendations staff has made to the applicant, **Ms. Parker** said, is to make the access one-way instead of two-way, as proposed. **Mr. Ptasznik** believed the staff recommendation to align the two drive aisles was a safer solution than the applicant's request to eliminate Condition No. 8.

Mr. Abel asked if the applicant was concerned about the potential loss of parking spaces to fewer than the minimum required, if held to conform to Condition No. 8. **Mr. Simpson** said that was not the case because the parking could be realigned and still retain the same number of spaces.

In answer to Mr. Abel's question about maintaining the proposed restaurant size, Mr. Simpson assured the restaurant would be within 10 percent of the square footage proposed in the application. **Mr. Simpson** did express concern that the approval conditions specified an exact floor area for the proposed building.

Mr. Davis asked if the restaurant elevation would be higher or lower than Mooretown Road and **Mr. Simpson** said it would be higher than Mooretown Road. **Mr. Davis** assumed the equipment on the roof would be shielded from view. **Mr. Simpson** indicated that all roof equipment would be screened from view.

Mr. Roy S. Williams, E&H Architects, Brentwood, TN, offered to answer any questions related to the architectural features of the proposed Chick-fil-A restaurant. **Mr. Ptasznik** noted that the applicant has requested up to a 10 percent deviation from the requested restaurant square footage, which appeared to be an unusual request and invited Mr. Williams to comment on that. Following some discussion, **Mr. Carter** suggested revising the language contained in the proposed resolution to "approximate" square footage because the primary focus of this discussion should be land use and the exact size of the building is scrutinized during site plan review.

Chair Ptasznik closed the public hearing.

Mr. Davis moved adoption of Resolution PC05-35(R).

Resolution No. PC05-35(R)

On motion of Mr. Davis, which carried 5:0 (Messrs. Barba and Hamilton absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE A FAST FOOD RESTAURANT WITH DRIVE-THROUGH
SERVICE AT 6720 MOORETOWN ROAD

WHEREAS, Robert Brown Associates LLC have submitted Application No. UP-678-05, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 14) of the York County Zoning Ordinance to authorize an approximately 4,237-square foot fast food restaurant with drive-through service located at 6720 Mooretown Road (Route 603) and further identified as a portion of Assessor's Parcel No. 2-9-B2; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 10th day of August, 2005 the Application No. UP-678-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize [an approximately](#) 4,237-square foot fast food restaurant with drive-through service located at 6720 Mooretown Road (Route 603) and further identified as a portion of Assessor's Parcel No. 2-9-B2 (GPIN No. C19c-0101-2311); subject to the following conditions:

1. This use permit shall authorize [an approximately](#) 4,237-square foot fast food restaurant with drive-through service located at 6720 Mooretown Road (Route 603) and further identified as a portion of Assessor's Parcel No. 2-9-B2.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance prior to the commencement of any construction activities on the subject parcel. Except as modified herein, said site plan and building elevation shall be in substantial conformance with the plan titled "Chick-fil-A, Special Use Permit Plan, Williamsburg Marketcenter, Mooretown Road, Williamsburg, VA," prepared by Bohler Engineering, P.C., dated 6/6/05 and revised 8/1/05, and received by the Planning Division August 2, 2005, and the building elevation titled "Chick-fil-A" prepared by E+H Architects, dated 7/22/05 and received by the Planning Division July 22, 2005.
3. Freestanding identification signage shall be limited to a single monument sign, and fascia used on the base of the sign shall match that of the building façade.
4. All site lighting shall be designed with shielded, full cutoff fixtures and directed downward at a 90-degree angle to the ground to prevent off-site glare on to abutting properties and the road right-of-way. Illumination levels shall not exceed 0.5 foot-candle at any property line. All lighting fixtures shall be consistent with the lighting recommended by the Illumination Engineering Society of North America (IESNA). A photometric plan detailing all proposed fixtures and ground illumination levels shall be submitted for approval by Environmental and Development Services at time of application for site plan approval.
5. In accordance with Section 24.1-244(b), building perimeter landscaping may be transferred only for that portion of the building abutting the drive-through aisle at the southern and western ends of the building.
6. Any existing landscaping on the Home Depot property requiring removal for installation of the proposed accesses shall be relocated or replaced in the same immediate vicinity.
7. All parking spaces shall be located a minimum of ten (10) feet from the face of the building.

8. To prevent unsafe traffic movements within the joint access aisle adjacent to the east end of the subject property, driveways serving the property shall be located parallel and in line with existing parking aisle breaks in the Home Depot parking lot.
9. Fascia materials used for the building façade and sign base shall be compatible with the existing façade on the Home Depot building.
10. In accordance with Section 24.1-245, there shall be no disturbance of the 45-foot greenbelt buffer along Mooretown Road.
11. Rooftop HVAC, electrical and similar utilities shall be screened from view of Mooretown Road.
12. Trash removal service shall not occur during restaurant operating hours.
13. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, prior to application for site plan approval, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

NEW BUSINESS

There was no new business.

OLD BUSINESS

There was no old business.

STAFF REPORTS

Mr. Carter distributed the "Development Activity Update" dated August 10, 2005.

COMMITTEE REPORTS

Mr. Al Ptasznik, Chair, announced the Commission's public hearing on the draft Comprehensive Plan would be August 24, 2005 at 7:00 PM.

COMMISSION REPORTS AND REQUESTS

There were no Commission reports or requests.

ADJOURN

York County Planning Commission Minutes

August 10, 2005

Page 13

The meeting was adjourned at 7:57 p.m.

SUBMITTED: _____/s/_____
Phyllis P. Liscum, Secretary

APPROVED: _____/s/_____
Alfred E. Ptasznik, Jr., Chair

DATE: September 14, 2005